

It is even wise to abstain from laws, which, however, wise and good in themselves, have the character of inequality which find no response in the heart of the citizen, and which will be garded with little reverence. The wisdom of legislation is especially seen in grafting laws to customs.

**SALISBURY**

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to. ☒ These terms will be strictly adhered to.

**SPEECH OF**

Gentlemen say, you may appeal to pub-

As then the "remedies" indicated by gentlemen will not enable us successfully to resist tyranny and misrule, the question recurs, what are the proper and suitable "remedies" to be adopted? The State, sir, must throw itself on its own dignity, and exercise its right of *self preservation*, in such manner as it may deem best calculated to protect itself from aggression, and its people from destruction: a right derived to States, as well as to individuals, from the Great Author of our being;—a sacred right, inherent in all political communities, which can neither be aliened nor destroyed. The State has the right to "interpose for arresting the progress of the evil"—either by seceding from the compact, altogether—or, by remaining still in the Union, and firmly saying to Congress, you have trodden under foot these limitations upon the power confided to you for the public welfare and safety—you have violated the Constitution; your acts are null and void, and shall not be enforced within the limits of the Commonwealth. Gentlemen may call this "exercise" of our reserved rights, *State Interposition* if they please: I am not fastidious about terms, but I call it *Nullification*, and in point of fact, they are one and the same in their mode of operation, and precisely the same in their effect and consequences.

The remedy produces the desired and intended results; it effectually controls and restrains lawless power,—it effectually guards the public liberties;—and I can not whether the world christen it Nullification or State Interposition.

In this doctrine for which I am contending, novel and extraordinary, I appeal to every member of the House acquainted with the political history of Virginia to say whether it has not been sanctioned and exercised by the General Assembly.

In 1799, was passed the first law

up the judgment of the Supreme Court as the judgment of our State Court. Was this mandate obeyed, Sir? No. The Judges of our Court of Appeals clearly foresaw that if they recognised the appellate jurisdiction of the Supreme Court, that the reserved rights of the sovereign parties to the Federal Compact, would be left completely at the mercy of the Congress of the United States and the Federal Judiciary; and that by the legislation of the former, and the adjudications of the latter, the federative character of our government would gradually be changed and converted into one vast consolidated despotism. Judge Roane, Sir, was then alive and in the meridian of his glory—devoted to the principles and jealous of the rights of the States, he in an elaborate argument distinguished alike for the logical severity of its reasoning and the chaste but nervous eloquence of its style, sustained the great doctrines of '98, and clearly demonstrated that the 25th section of the act of Congress organising the Federal Judiciary, under which the appeal had been allowed, was not sanctioned by the provisions of the Constitution of the United States, but was a palpable & dangerous usurpation of the Rights of the States. In this opinion, Sir, the Bench of Judges unanimously concurred; and the mandate of the Supreme Court was disregarded and resisted. Was not this Nullification?—was not this setting at defiance, both the act of the Congress of the United States, and the solemn judgment of the Highest Federal Judicial Tribunal? Judge Roane in the course of his remarks took occasion to observe, that "while our States in their legislature, or even original character," are authorised to interfere in cases of the palpable nature just mentioned (meaning a deliberate, palpable and dangerous exercise of powers not granted) the Courts of the States are also authorised to check the evil when it occurs, in the exercise of their ordinary jurisdiction;" and yet Sir, the decision of that Judge was hailed with shouts of triumph and exultation by the State Rights Party throughout the Commonwealth. Has not Georgia nullified a treaty ratified with all the solemnities required by the Constitution, by which the United States guaranteed to the Indians the undisturbed enjoyment of the lands occupied by them within that State? Sir, Nullification is one of the remedies to which a State may resort for relief from oppression—that is the "truth."

I have been utterly astonished, Mr. Speaker, at the zeal and eagerness manifested by gentlemen to renounce this "great conservative principle" of federative institutions. I implore them to pause before they forever surrender a right, essential to the security of our liberties and interests—a right which if once abandoned, will leave us no alternative, in all cases of flagrant perversion or assumption of power, but withdrawal from the confederacy—to dismember the Union. I warn them to reflect on the elements now at work, which in a few years will produce a storm the fury which has seldom been equalled in this country—I warn them to recollect that already is now made the topic of angry declamation in the northern pulpits—and their public journals teem with insinuating denunciations against it, calculated

Sir, I have hazarded as much in the cause of Abolition, as any man in this State; but I would, like a Spaniard, war even to the knife, before I would permit any earthly power save the Legislature of Virginia, to interfere with a subject of such exceeding delicacy, magnitude and importance.

Mr. Speaker, no man in the Commonwealth is more profoundly impressed that I am with the perilous condition of the republic, and, Sir, I should be guilty of treachery to the freemen whom I represent on this floor, if I failed to warn them of the dangers which now menace the very existence of all those institutions they have hitherto venerated and held sacred. We are here, on the very eve of a political convulsion, which nothing but the miraculous interposition of Providence can avert;—a convulsion the consequences of which no human sagacity can foresee, no earthly power can control. I, for one, ascribe no magic power—no potent spell to the most solemn resolves of this august body. I, for one, with all my proud and lofty conceptions of the dignity of this our ancient Commonwealth, do not believe that it is in our power to hush and silence the furious and angry passions, which the tyranny and misrule of years have aroused in the bosoms of an indignant and justly incensed people. Nor sir, do I believe that it is now possible to prevent a hostile and sanguinary issue of the contest which will shortly be waged between the authorities of the Union and of South Carolina. How, sir, in the exasperated state of public feeling, can such collision be avoided? Wherever there exists two rival tribunals, jealous of each other, each entertaining jurisdiction over the same matters of controversy, with a physical force at command to carry into execution their respective adjudications; acts of outrage and violence will and must be committed. Since the people of South Carolina are determined to resist the tariff laws, at all hazards and to the last extremity—they will never retrace their steps, till the Congress of the United States shall renounce unconditionally and forever the iniquitous policy of plundering one section of the Union for the benefit and aggrandizement of another;—a policy which impoverishes and spreads ruin throughout the South, while it fosters the industry, promotes the prosperity and increases the wealth of the North. Mr. Speaker, I recollect when I had frequently to have seen the non-

Norfolk crowded with ships from every part of the commercial world, stimulating the enterprise & rewarding the industry of our people :—now Sir, that port is comparatively deserted,—Charleston I am informed is also, in a similar condition. Moreover, Sir, attentively survey that position of the Union from Baltimore to Maine—cast your eye over Maryland, Pennsylvania, New York, and the New England States, and almost the whole extent of the public highways is a continuous village, cities and towns in every direction, rising as if by Magic, wearing the aspect of comfort, abundance and wealth—while, if you will glance at the oppressed region of the South, I should be rejoiced, if from a point to the Gulf of Mexico, you could point to a single town that is thriving—single village which is not in decay.

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87, while I deplore the causes which have produced the present appalling crisis;—while I deeply deplore the wrongs and injuries inflicted on my Southern brethren, by the insatiable rapacity of a part of this Confederacy, my conscience will not permit me to say, that I lament their stern, unyielding determination to resist. The position they now occupy, is the position freemen should always take, when tyranny becomes insupportable, and every efficient pacific remedy to which they could resort, has proved unavailing; and, sir, as I view the coming conflict to be a struggle between DESPOTISM and FREEDOM; between RUTHLESS OPPRESSION and LIBERTY, so far as it depends on my vote, will, with the treasure and blood of Virginia, sustain, and uphold her sister, South Carolina, whether, in this controversy, she be "right or wrong."

Should South Carolina fall, Mr. Speaker, then will be extinguished forever, the "last hope" of human liberty. The Government of the United States will acquire a strength from victory, which will revolutionize its character, and convert it into a military despotism. Large standing armies will be employed in time of profound peace, to crush even the slightest symptoms of insubordination in the refractory states—these standing armies will impoverish, oppress and grind the people to dust and ashes. A corrupt and unprincipled majority in Congress, will sway without check, limitation or restraint, the destinies of the nation, and the death-knell of freedom will be sounded throughout the Union. Besides, sir, the fate of S. Carolina *to-day*, will be that of Virginia *to-morrow*.

rose—the sword which fell: the one life-  
 less to the earth, will shortly after be un-  
 sheathed for the destruction of the other.  
 Under these circumstances, as Virginia  
 and South Carolina are both agricultural,  
 exporting and slave holding States—as we  
 are completely identified in manners, cus-  
 toms, feelings and prejudices—principles  
 and interests, I trust that the cause of  
 South Carolina will be our cause—that we  
 shall have a common triumph or a common  
 grave. I trust that when the battle  
 cry is heard, the Banner of the “Old Do-  
 minion,” with the Genius of Liberty  
 trampling the prostrate Tyrant under foot,  
 will again proudly float upon the breeze,  
 planted side by side, with the standard of  
 S. Carolina. I trust, that the Palmetto  
 of that State now drooping under the dead-  
 ly and withering influence of Federal us-  
 urpation, will again spread its branches to  
 the sun, fresh and green, luxuriant and  
 flourishing, as in the brightest days of her  
 glory;—and that the little Star\* of her  
 destiny, now struggling through the dark-  
 ening and stormy clouds, which threaten  
 to enshroud and obscure it forever, will  
 once more break upon the eye in all its  
 former brilliance and lustre. But, should  
 it be the decree of Heaven the South  
 Carolina should perish in the blood  
 and smoke conflict, then do I fondly trust  
 that she will gloriously perish, like Leon-  
 idas and the gallant little Band in the cam-  
 paign of the Persians, amidst THOUSANDS  
 THIRTY TEN THOUSANDS OF THE SLAUGHTERED  
 THIRTEEN THOUSANDS OF FEDERAL DESPOTS.

\* The emblem of South Carolina is Palmetto tree and a single Star.

A man in jail at Hull, advertised that "if the person who was guilty of the offense for which he was imprisoned, would come and confess the same, he shall be handsomely rewarded."

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To establish this principle, namely, that the FEDERAL GOVERNMENT is a CONFEDERACY OF SOVEREIGN STATES, and not a CONSOLIDATED GOVERNMENT, depends altogether on historical facts. To prove the position, I will, with as much brevity as the nature of the subject will permit, refer to some of those facts.

First, then, these STATES, when COLONIES, were separate and distinct from each other. As colonies, they were settled at different periods of time, under different charters;—granted by different Monarchs, to different persons or companies.

Thus, the first charter of Virginia, was granted by Queen Elizabeth, in the year 1606; Maryland, granted by Charles 1, in 1632; Carolina, granted by Charles 2, in 1663; Pennsylvania, in 1688, by Charles 2; and Georgia in 1732, by George 3.

There was no *political* connexion whatever, between the colonies. Their territories were separated from each other by natural or artificial boundaries, ascertained and well defined: and whenever any doubts arose, as to the true lines between any of them, commissioners on the part of each, were appointed to adjust the difficulty, which was always done with the becoming formalities incident to communities independent of each other.

Their charters were different in the nature of the powers, and privileges granted:—Their laws, made under these charters, were in many respects essentially different. In Carolina, they commenced with a code of laws drawn up by the celebrated John Locke, in which orders of Nobility were established: In Massachusetts, they declared that they would be governed by the Bible, until they could make better laws for themselves: the laws of the Bible were superceded by the *Bible laws*, under which heretics and witches were burnt. In New England, the *Presbyterian* Religion prevailed:—In Maryland, the *Roman Catholic*; and in Virginia, the *High Church*—all established by laws.

The members of the "colonial Assemblies" were chosen differently in different colonies:—the governors were appointed differently;—in some cases by the proprietors—in others by the King.

Each colony, at times, carried on war by itself against the Indians, without the aid of any other colony; raised its men of money; and made peace for itself, without consulting the others.

Thus the colonies continued to act and govern themselves, under their respective charters, from their first settlement, to the time when the quarrel commenced with the mother country; each, however, as separate and distinct colony, owing allegiance to the British Crown.

That the colonies always considered themselves, each independent of the others, is evident from almost every act recorded in their respective histories. For a number of years before the war broke out, it is known that some of the colonies appointed agents, called colonial agents, to reside near the English Government,—each agent attending to the interest of the colony for which he was appointed, and no other; thus keeping up a sort of diplomatic relations between each colony and the English Government.

That the British Government views the colonies in this light, to wit, as separate political communities, each dependent on the crown, but independent of each other, is clear from all its acts. The first measures of coercion, adopted by the ministry, were not levied against all the colonies, but against Massachusetts alone.

The first attempt to bring the colonies together, under one Government, was made in the year 1754. The history of this project is given by Doctor FRANKLIN, in *his* *author of* *the* *1st* *vol.* *of* *Franklin's* *works*, *page* *137*. The circumstances were these: In the year 1754, war with France being apprehended, in which case it was known that all the colonies would have to suffer, in order to provide a

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Mr. Burke, in 1774, under the Royal sanction, had no explicit character. The first attempt that was made to bring the colonies together, was in the year 1773. A dispute with the mother country was now drawing to a crisis, and the principles involved, equally concerned all. Congress of Delegates from all the colonies was proposed to be held in Philadelphia, September, 1774. Accordingly Delegates from twelve of the colonies convened in Philadelphia, at the time appointed. This Congress exercised no legislative functions, nor claimed any powers as a paramount Government; its whole action was recomendatory to the British Government, and accommodatory to the individual colonies. On the 22d of October of the same year, this Congress was dissolved. On the 10th of May, 1775, according to the recommendation of the preceding Congress, the Delegates from the colonies met again, coming together with few powers from their respective Assemblies. The war having now commenced, on the part of Great Britain, the powers of the Delegates to Congress were enlarged, and a common danger drew the colonies nearer together: still, no person looked on Congress as the paramount Government:—the instructions from the different colonies to their Delegates, prove this.—Even in 1776, when the rupture was past healing, we see that the Provincial Congress of North Carolina, appointed its Delegates in the following cautious manner:—

*"Resolved, That William Hooper, Joseph Hewes and John Penn, Esqrs. be, and they are hereby appointed Delegates on behalf of the province, for the termination of the present year, the first and of the next Congress, which shall be held in the province, to attend the general Congress at Philadelphia, or at such other place or places as may be appointed; and they are hereby invested with such powers as may enable any acts done by them, or any of them, if consent given in behalf of this province (not inconsistent with such instructions) may be given by this Congress,) obligated on every inhabitant thereof." In the same manner each colony gave instructions to its Delegates, directing them how to act, and how far to go.*

In the Congress of 1775, the most important measures of that august body, were those creating a "continental army," and the appointment of a General, to command all "continental forces." George Washington was unanimously appointed general, and a commission was made out for him, running in the following words:—"By the Congress. The Delegates of the United Colonies of New Hampshire," &c. &c. &c. moderating the whole of them by name, &c.

"To George Washington, Esq."

"The Declaration of Independence, as we know, was made on the 4th of July, 1776. Let us look at some of the incidents connected with that event, and see if the colony had no separate character and existence, at that time. Did the Congress of 1776 declare Independence of their own accord, as the prominent head of a "whimulsion," or was it done by instructions given by the "Colonial Assemblies," to their respective delegates?—Let history answer. To the honor of North Carolina, be it said, her Provincial Congress was the first and all authorize her Delegates to declare Independence. The Journals of the Congress which sat at Halifax in 1776, on this fact. On the 14th day of April of that year, the Congress unanimously adopted the following Resolution:—

*Resolved*, That the delegates for the colony in the continental Congress, be empowered to concur with the Delegates of the other colonies, in declaring independence, and forming foreign alliances, serving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates, from time to time, (under direction of a general representation) to or to meet the delegates of the other











